

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDWARD D. ELIASON, *et al.*

Plaintiff,

v.

SUPERIOR REFINING COMPANY, LLC,

Defendant.

ORDER

19-cv-829-wmc

Defendant has moved to quash a Rule 45 subpoena served on an engineering firm it retained as a non-testifying consultant in this lawsuit. *See* dkt. 177. Whether defendant has standing to file this motion on behalf of its consultant is debatable; more problematic is that the consultant is located in Chicago, as is the place of compliance. *See* dkt. 180-1, sealed. As a result, F.R. Civ. Pro. 45(d)(3) requires that the motion to quash be filed in the Northern District of Illinois. Accordingly, I am denying defendant's motion without prejudice.

While the issue raised in the motion to quash is discrete and perhaps subject to quick, efficient resolution in the Northern District, this court would have no problem with that court finding exceptional circumstances under Rule 45(f) and transferring this dispute back to the Western District of Wisconsin. This case is one of a group of similar lawsuits with which this court has been dealing for several years. This court is well-positioned to consider and decide the motion, and it would welcome the opportunity to spare another judge any perceived need to get up to speed on the facts and background issues that might be relevant to the instant dispute.

ORDER

It is ORDERED that defendant's motion to quash the document subpoena served on its consulting expert is DENIED WITHOUT PREJUDICE.

Entered this day of 8th July, 2021.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge